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Attorneys for Plaintiff  
OMNI PACIFIC COMPANY, INC.



**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

OMNI PACIFIC COMPANY, INC.,  
Plaintiff,  
v.  
OMNIBRANDS, INC.,  
Defendant.

Case No. C 04-1445 JW HRL

**STIPULATION TO CHANGE PRE-TRIAL  
CONFERENCE DATE AND [PROPOSED]  
ORDER** XXXXXXXXX

1 WHEREAS the Court conducted a case management conference in this case on January  
2 10, 2005;

3 WHEREAS the Court's Scheduling Order entered on January 11, 2005 provides that the  
4 Preliminary Pretrial and Trial Setting Conference in this case shall be held on November 21, 2005;

5 WHEREAS after the case management conference, Mr. Jeffrey M. Hamerling, lead co-  
6 counsel for Defendant OMNIBRANDS, INC. ("OMNIBRANDS"), learned that his family's  
7 closest friend's son would be married in New York on the evening of November 20, 2005;

8 WHEREAS co-counsel for OMNIBRANDS, INC., Ms. Rachel Matteo-Boehm, will be on  
9 maternity leave in November following the birth of her child, due in mid-September;

10 WHEREAS given the unanticipated scheduling conflicts, OMNIBRANDS seeks to move  
11 the date of the Preliminary Pretrial and Trial Setting Conference; and

12 WHEREAS counsel for OMNIBRANDS has conferred with counsel for OMNI PACIFIC  
13 COMPANY, INC. ("OMNI PACIFIC"), and OMNI PACIFIC counsel would agree to a change in  
14 the date of the Preliminary Pretrial and Trial Setting Conference as long as it is held within two  
15 weeks of November 21, 2005; Therefore:

16 Defendant OMNIBRANDS and Plaintiff OMNI PACIFIC hereby stipulate as follows:

17 OMNIBRANDS and OMNIPACIFIC hereby request that the Court modify the Scheduling  
18 Order such that the Preliminary Pretrial and Trial Setting Conference is scheduled for a date  
19 within two weeks of November 21, 2005 but no later than December 5, 2005, depending on the  
20 Court's schedule.


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1 SO STIPULATED.

2 Dated: July ~~26~~, 2005  
3 29

DLA PIPER RUDNICK GRAY CARY US LLP

4 By:   
5 Jeffrey M. Hamerling  
6 Rachel E. Matteo-Boehm  
7 Attorneys for Defendant  
8 OMNIBRANDS, INC.

9 Dated: July \_\_, 2005

THELEN REID & PRIEST LLP

10 By: \_\_\_\_\_  
11 Robert A. Weikert  
12 Attorneys for Plaintiff  
13 OMNI PACIFIC COMPANY, INC.

14 IT IS SO ORDERED. The Preliminary Pretrial and Trial Setting Conference in this case shall be  
15 held on \_\_\_\_\_, 2005 at \_\_\_\_\_ a.m.

16 Dated: \_\_\_\_\_, 2005

17 By: \_\_\_\_\_  
18 Hon. James Ware  
19 United States District Court Judge

1 SO STIPULATED.

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3 Dated: July 26, 2005

DLA PIPER RUDNICK GRAY CARY US LLP

4  
5 By: \_\_\_\_\_

Jeffrey M. Hamerling  
Rachel E. Matteo-Boehm  
Attorneys for Defendant  
OMNIBRANDS, INC.

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8  
9 Dated: July 29, 2005

THELEN REID & PRIEST LLP

10  
11 By:  \_\_\_\_\_

Robert A. Weikert  
Attorneys for Plaintiff  
OMNI PACIFIC COMPANY, INC.

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15 IT IS SO ORDERED. The Preliminary Pretrial and Trial Setting Conference in this case shall be  
16 held on MON.DEC. 05. \_\_\_\_\_, 2005 at 11:00 a.m.

17 Dated: Aug. 2, 2005

18 By: /s/ James Ware \_\_\_\_\_

Hon. James Ware  
United States District Court Judge